

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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FARAH JEAN FRANCOIS,

Case No.: 1:22-cv-4447-JSR

Plaintiff,

-against-

**VICTORY AUTO GROUP LLC d/b/a
VICTORY MITSUBISHI,
SPARTAN AUTO GROUP LLC d/b/a
VICTORY MITSUBISHI,
STAVROS ORSARIS,
YESSICA VALLEJO,
DAVID PEREZ,
DIANE ARGYROPOULOS, and
PHILIP ARGYROPOULOS,**

Defendants.

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Declaration of Claudia Wilner

CLAUDIA WILNER, an attorney admitted in the United States District Court for the Southern District of New York, declares as true under penalty of perjury pursuant to 28 U.S.C. § 1746 that:

1. I am the Director of Litigation and Advocacy at the National Center for Law and Economic Justice (NCLEJ).
2. NCLEJ is a national non-profit organization dedicated to advancing racial and economic justice for low-income families, individuals, and communities across the country. In furtherance of this mission, NCLEJ often challenges unconstitutional government policies and practices that deprive people of due process.
3. I have held this position at NCLEJ since February 2020, when the former Director of Litigation and Advocacy—Marc Cohan—retired. From September 2015 to February 2020, I worked as a Senior Attorney at NCLEJ, engaging in class action litigation and policy advocacy

on a range of economic justice issues. I regularly litigate complex civil rights class actions in federal court, both in this District and around the country.

4. Prior to joining NCLEJ, I worked as a Senior Staff Attorney at New Economy Project for ten years.

5. I am recognized as a “seasoned civil rights litigator[.]” *Alexander v. Miller*, 2021 WL 1113146 (E.D. Ky. Mar. 23, 2021) (quoting *Thomas v. Long*, 2020 WL 5530232, at *5 (M.D. Tenn. Sept. 15, 2020)).

6. I have received numerous awards for my work on behalf of low-income New Yorkers, including the Legal Services Award (New York City Bar Association, 2018); Trial Lawyer of the Year Finalist (Public Justice, 2018); Rising Star Award (National Consumer Law Center, 2016); and the Consumer Advocate Award (National Association of Consumer Advocates (2012).

7. Prior to working at New Economy Project, I was a Skadden Fellow at the Urban Justice Center’s Mental Health Project. I clerked for the Honorable Stephen Reinhardt of the Ninth Circuit Court of Appeals. In 2002, I graduated *magna cum laude* from New York University School of Law, where I was a Root-Tilden-Kern scholar.

8. Within the Southern District of New York, I have been awarded fees three times.

9. Most recently I was awarded a reasonable hourly rate of \$650 as co-counsel in *Robinson v. New York City Transit Auth.*, No. 19-CV-1404 (AT) (BCM), 2024 WL 4150818, at *1 (S.D.N.Y. Aug. 16, 2024), *report and recommendation adopted*, No. 19 CIV. 1404 (AT) (BCM), 2024 WL 4150102 (S.D.N.Y. Sept. 11, 2024). Robinson was a class action alleging, *inter alia*, that New York City Transit Authority (“NYCTA”) violated the due process rights of putative class members by obtaining and enforcing default judgments against them for alleged violations

of NYCTA's rules of conduct, and satisfying those judgments against state tax refunds otherwise due to them, without adequate notice or opportunity to be heard.

10. In *Robinson*, my co-counsel Susan Shin, the Legal Director of New Economy Project and an attorney with 18 years of experience, was awarded a reasonable hourly rate of \$550.

11. I have also been awarded fees in the Southern District of New York in *Sanders v. Houslanger and Assoc.*, 1:17-cv-08985 (S.D.N.Y.) (fees awarded in February 2020), and *Sykes v. Mel S. Harris and Assoc., LLC*, 1:09-cv-08486 (S.D.N.Y.) (fees awarded in May 2016). Both cases were certified class actions in which the court employed a lodestar cross-check to approve a fee award as fair, reasonable, and appropriate. In *Sanders*, I was a Senior Attorney with 18 years' experience and billed at \$600/hour. In *Sykes*, I was a Senior Attorney with 14 years' experience and billed at \$500/hour.

12. In September 2020, the Middle District of Tennessee approved a rate of \$550/hour for my work performed in that jurisdiction. *Thomas v. Long*, 2020 WL 5530232, at *5, *15 (M.D. Tenn. Sept. 15 2020), *rev'd in part on other grounds*, *Thomas v. Haslam*, 2021 WL 3754240 (6th Cir. 2021). At that time, I was a Senior Attorney with 18 years' experience. The Southern District of New York is a higher market than the Middle District of Tennessee, and since *Thomas* my experience has grown to 22 years, and I was promoted to Director of Litigation and Advocacy.

13. In *Rodriguez v. Pressler & Pressler, L.L.P.*, No. 06 Civ. 5103, 2009 WL 689056 (E.D.N.Y. Mar. 16, 2009) an FDCPA action against a law firm engaged in unlawful debt collection practices, the court awarded my requested rate of \$300 per hour, rejecting a Report & Recommendation that would have awarded a lower rate. *Id.*; *see also Richardson v. Prof'l Recovery Systems*, No. 07-CV-3666, 2007 U.S. Dist. LEXIS 98359 (E.D.N.Y. Nov. 10, 2007)

(approving my rate of \$300 as reasonable in light of prevailing rates). Those fee awards were based on 2007 prevailing rates in the Eastern District of New York, at a time when I was a staff attorney at New Economy Project with five years of litigation experience.

14. I am recognized as a national expert on consumer law, and have been invited to participate in trainings and conferences conducted by the National Consumer Law Center, the National Association of Consumer Advocates, the New York State Bar Association, the Federal Trade Commission, and the Consumer Financial Protection Bureau, among others.

15. I have taught Continuing Legal Education seminars on topics such as the Fair Debt Collection Practices Act and the Fair Credit Reporting Act.

16. I am also familiar with the work and reputation of Ahmad Keshavarz. I have worked with Mr. Keshavarz on consumer protection litigation and issues. He is a highly skilled, seasoned, and successful attorney.

17. I have known Mr. Keshavarz professionally for approximately sixteen years. I consult with him regularly on cases and about recent FDCPA decisions and other consumer law decisions. I have consulted with Mr. Keshavarz at length regarding *Arroyo v. JPMorgan Chase Bank, N.A. et al* 1:15-cv-03524-AJN (SD NY) a case against a car dealer and putative assignee finance company alleging, *inter alia*, violations of the Fair Credit Reporting Act in the fraudulent sale of a vehicle in the name of Ms. Arroyo.

18. I have co-counseled a successful appeal to the Second Circuit with both Mr. Keshavarz and Susan Shin of the New Economy Project. *Arias v. Gutman, Mintz, Baker & Sonnenfeldt LLP*, 875 F.3d 128 (2d Cir. 2017). *Arias* is a seminal Fair Debt Collection Practices Act decision as to FDCPA violations arising out of continued restraint of exempt funds and from debt collection

lawsuit misconduct, among other issues.

19. I am very familiar with Mr. Keshavarz's work as a consumer attorney. Based upon my education, training and experience, it is my opinion that a reasonable hourly rate for Mr. Keshavarz's time in this case is \$550.

20. Further, these fees are customary in the Southern District of New York for an attorney with his level of experience, reputation and ability, considering the nature of the controversy, the time limitations imposed, and the results obtained.

Dated: December 4, 2024
New York, New York

/s/

Claudia Wilner